

the average of the nation's actual national production level for the three years prior to the transfer minus the production allowances transferred. The person must submit to the Administrator a transfer request that includes a true copy of this document and that sets forth the following:

(1) The identity and address of the person;

(2) The identity of the Party;

(3) The names and telephone numbers of contact persons for the person and for the Party;

(4) The chemical type and level of production being transferred;

(5) The control period(s) to which the transfer applies; and

(6) For increased production intended for export to the Party from whom allowances would be received, a signed statement of intent to export to this Party.

(d) On the first day of each control period, until January 1, 1996, the Agency will grant consumption allowances to any person that produced and exported a Group IV controlled substance in the baseline year and that was not granted baseline consumption allowances under § 82.5.

(1) The number of consumption allowances any such person will be granted for each control period will be equal to the number of production allowances granted to that person under § 82.7 for that control period.

(2) Any person granted allowances under this paragraph must hold the same number of unexpended consumption allowances for the control period for which the allowances were granted by February 15 of the following control period. Every kilogram by which the person's unexpended consumption allowances fall short of the amount the person was granted under this paragraph constitutes a separate violation.

[60 FR 24986, May 10, 1995, as amended at 65 FR 70804, Nov. 28, 2000]

#### **§ 82.11 Exports of class I controlled substances to Article 5 Parties.**

(a) If apportioned Article 5 allowances under § 82.9(a) or § 82.11(a)(2), a person may produce Class I controlled substances, in accordance with the prohibitions in § 82.4 and the reduction schedule in § 82.11(a)(3), to be exported

(not including exports resulting in transformation or destruction, or exports of used controlled substances) to foreign states listed in appendix E to this subpart (Article 5 countries).

(1) A person must submit a notice to the Administrator of exports to Article 5 countries (except exports resulting in transformation or destruction, or used controlled substances) at the end of the quarter that includes the following:

(i) The identities and addresses of the exporter and the Article 5 country recipient of the exports;

(ii) The exporter's Employee Identification Number;

(iii) The names and telephone numbers of contact persons for the exporter and for the recipient;

(iv) The quantity and the type of controlled substances exported, its source and date purchased;

(v) The date on which, and the port from which, the controlled substances were exported from the United States or its territories;

(vi) The Article 5 country to which the controlled substances were exported;

(vii) A copy of the bill of lading and invoice indicating the net quantity shipped and documenting the sale of the controlled substances to the Article 5 purchaser;

(viii) The commodity code of the controlled substance exported; and

(ix) A copy of the invoice or sales agreement covering the sale of the controlled substances to the recipient Article 5 country that contains provisions forbidding the reexport of the controlled substance in bulk form and subjecting the recipient or any transferee of the recipient to liquidated damages equal to the resale price of the controlled substances if they are reexported in bulk form.

(2) Persons who reported exports of Class I, Group I controlled substances to Article 5 countries in 2000–2003 are apportioned baseline Article 5 allowances as set forth in § 82.11(a)(2)(i). Persons who reported exports of Class I, Group VI controlled substances to Article 5 countries in 1995–1998 are apportioned baseline Article 5 allowances as set forth in § 82.11(a)(2)(ii).

(i) For Group I Controlled Substances

## § 82.12

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Controlled Substance	Person	Allowances (kg)
CFC-11 .....	Honeywell .....	7,150
	Sigma Aldrich .....	1
CFC-113 .....	Fisher Scientific .....	5
	Honeywell .....	313,686
	Sigma Aldrich .....	48
CFC-114 .....	Honeywell .....	24,798
	Sigma Aldrich .....	1

(ii) For Group VI Controlled Substances

Controlled Substance	Person	Allowances (kg)
Methyl Bromide .....	Albemarle .....	1,152,714
	Ameribrom .....	176,903
	Great Lakes Chemical Corporation .....	3,825,846

(3) Phased Reduction Schedule for Article 5 Allowances allocated in § 82.11. For each control period specified in the following table, each person is granted the specified percentage of the baseline Article 5 allowances apportioned under § 82.11.

Control Period	Class I substances in group I (In percent)	Class I substances in group VI (In percent)
2006 .....	50	80
2007 .....	15	80
2008 .....	15	80
2009 .....	15	80
2010 .....	0	80
2011 .....	0	80
2012 .....	0	80
2013 .....	0	80
2014 .....	0	80
2015 .....	0	0

(2) [Reserved]

(b) [Reserved]

[60 FR 24986, May 10, 1995, as amended at 70 FR 77047, Dec. 29, 2005]

### § 82.12 Transfers of allowances for class I controlled substances.

(a) *Inter-company transfers.* (1) Until January 1, 1996, for all class I controlled substances, except for Group VI, and until January 1, 2005, for Group VI, any person (“transferor”) may transfer to any other person (“transferee”) any amount of the transferor’s consumption allowances or production allowances, and effective January 1, 1995, for all class I controlled substances any person (“transferor”) may transfer to any other person (“transferee”) any amount of the transferor’s Article 5 allowances. After January 1,

2002, any essential-use allowance holder (including those persons that hold essential-use allowances issued by a Party other than the United States) (“transferor”) may transfer essential-use allowances for CFCs to a metered dose inhaler company solely for the manufacture of essential MDIs. After January 1, 2005, any critical use allowance holder (“transferor”) may transfer critical use allowances to any other person (“transferee”). After January 1, 2005, any critical stock allowance holder (“transferor”) may transfer critical stock allowances to any critical stock allowance holder or any methyl bromide producer, importer, distributor or third party applicator (“transferee”).

(i) The transferor must submit to the Administrator a transfer claim setting forth the following:

(A) The identities and addresses of the transferor and the transferee;

(B) The name and telephone numbers of contact persons for the transferor and the transferee;

(C) The type of allowances being transferred, including the names of the controlled substances for which allowances are to be transferred;

(D) The group of controlled substances to which the allowances being transferred pertains;

(E) The amount of allowances being transferred;

(F) The control period(s) for which the allowances are being transferred;

(G) The amount of unexpended allowances of the type and for the control period being transferred that the transferor holds under authority of this subpart as of the date the claim is submitted to EPA; and

(H) The one percent offset applied to the unweighted amount traded will be deducted from the transferor’s production or consumption allowance balance (except for trades from transformers and destroyers to producers or importers for the purpose of allowance reimbursement). In the case of transferring essential use allowances, the amount of one tenth of one percent of the amount traded will be deducted from the transferor’s allowance balance. In the case of transferring critical use allowances, the amount of one tenth of one percent of the amount traded will be deducted